

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25954 of 2016

Arising Out of PS.Case No. -1 Year- 2013 Thana -KATRA District- MUZAFFARPUR

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Lalan Paswan, Son of Sri Harish Chandra Paswan, resident of Village-
Bokchi, Police Station- Katra, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prafull Chandra Jha, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 06-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 01.02.2016
in connection with Sessions Trial No. 177 of 2016, arising out of
Katra P.S. Case No. 01 of 2013 for the offences instituted under
Sections 302, 307, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 02.01.2013
while the husband of the informant was going on Motorcycle to
Dargah Chowk, then near the Petrol Pump, this petitioner, Sukesh
Paswan, Mukesh Roy and Mukesh Singh started firing upon him.
He fell down after receiving injury. Thereafter, the accused
persons fled away. The informant's husband was admitted in
Hospital where he died during treatment.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The other co-accused persons of the case in a separate trial have already been acquitted by the court below as the witnesses did not support the prosecution case. The petitioner wants to rely upon the judgment of acquittal in respect to the other co-accused.

On behalf of the State, it has been submitted that the petitioner is one of the assailants among the four persons who alleged to have fired upon the deceased. The witnesses in paragraph nos. 21,22 and 23 of the case diary have supported the prosecution case. The postmortem report also supports the prosecution case. The name of the petitioner was not disclosed by anyone but by the deceased himself before his death. There are two cases of similar nature pending against the petitioner in the court below. The evidences adduced in respect to other co-accused in separate trial have no relevance as far as the case of the petitioner is concerned and same cannot be looked into as far as the case of the petitioner is concerned.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 177 of 2016, arising out of Katra P.S. Case No. 01 of 2013, pending in the court of the learned VIth Additional Sessions Judge, Muzaffarpur. The court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)